REMARKS

Prior to further examination on the merits, Applicant requests entry of this Submission Under § 1.114(c). Claims 13-20 and 22-24 were pending in the application. Claims 13 and 24 have been amended and no claims have been canceled or newly added. Therefore, Claims 13-20 and 22-24 are pending in the application and are submitted for consideration by the examiner. No new matter has been added.

Applicant's representative thanks Examiner Fureman for the courtesy of a productive interview conducted on August 12, 2003. In the interview, the pending independent claim 13 was discussed with respect to the U.S. Patent No. 5,875,450 to Reiner et al. (hereafter "Reiner") and the differences were discussed as detailed further herein.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the final Office Action, claims 13-20 and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reiner. Applicant respectfully traverses these rejections for at least the following reasons.

Each of the independent claims 13 and 24 recite, *inter alia*, that the portable data medium uses a *checking program* stored in a nonvolatile programmable memory in the portable data medium itself to read the data transmission-specific access condition (also stored in the same nonvolatile programmable memory) associated with a particular memory area. This recited feature is not disclosed or suggested by Reiner.

Specifically, Reiner does not actually disclose any checking program corresponding to the claimed checking program and nor does it teach or suggest the *claimed use* of the nonvolatile programmable memory. As acknowledged in the Office Action, Reiner discloses two switching logic circuits 4 and 8 (including a microprocessor) that drive the switches 3 and 7 to allow one or the other of the data interfaces 1 or 2 to access the semiconductor memory 5. Instead of these switching logic circuits 4 and 8 being hardwired, Reiner suggests that a ROM may be advantageously used while programmable nonvolatile memories may only be used if it could be ensured that reprogramming these memories was not possible or at the very least could be done only under very specific conditions. *See* col. 3, lines 17-26 of

Reiner. Therefore, Reiner does not specifically teach the use of a checking program and especially does not teach a checking program stored in the same nonvolatile memory in which the access conditions are also stored.

Furthermore, as shown in Fig. 4 of the present specification, the claimed invention in claims 13 and 24 includes access conditions for specific memory areas and the corresponding memory areas on a same nonvolatile memory. Also, as described, for example, on page 9, lines 9-14 of the specification, the application program (such as a checking program) can also be stored in the nonvolatile programmable memory so that it can access appropriate memory areas (of the nonvolatile memory) as data fields. Therefore, the claimed checking program and its arrangement on the same nonvolatile programmable memory containing the access conditions as well as the data fields is not taught or suggested by Reiner. Accordingly, the pending independent claims 13 and 24 are believed to be patentable over Reiner.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they depend. In addition, they recite additional patentable features when considered as a whole.

In view of the foregoing amendments and remarks, applicants respectfully request entry and consideration of the instant amendment and reply because it is believed to place the application in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

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